

**MAR 17 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

WILLIAM ROSS,

Defendant - Appellant.

No. 05-50018

D.C. No. CR-88-00563-DT-03

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Dickran M. Tevrizian, District Judge, Presiding

Submitted March 8, 2006<sup>\*\*</sup>

Before: CANBY, BEEZER and KOZINSKI, Circuit Judges.

William Ross appeals from the district court's denial of his motion to correct an illegal sentence under former Federal Rule of Criminal Procedure 35(a).

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

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<sup>\*</sup> This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Ross contends that his sentence was illegal because it was imposed by the judge rather than the jury. Because a sentence of life imprisonment was the only sentence available for the offense at the time of sentencing, sentencing by jury was not required. *See United States v. Manning*, 56 F.3d 1188, 1200-01 (9th Cir. 1995).

**AFFIRMED.**